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Congress of the United States

House of Representatives

Washington, DC 20515

May 4, 2004

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04-53

MAY 13 2004

The Honorable Michael K. Powell
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Federal Communications Commission
Office of the Secretary

RE: Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking relating to protecting consumers from SPAM and unauthorized telemarketing calls on their mobile phones

Dear Chairman Powell:

We are writing to comment on your proposed rulemaking concerning regulations to protect consumers from receiving wireless spam.

Congress included Section 14 of the CAN-SPAM Act so that American consumers can avoid the experience of wireless consumers abroad, who have been inundated by wireless spam. For example, in one day alone, the 38 million customers of the largest Japanese wireless company, NTT DoCoMo, received 150 million pieces of spam.

We urge you to implement strong regulations against wireless spam to prevent this onslaught from reaching our shores. Unlike traditional spam, wireless spam is more than a nuisance and a waste of time – under most current text messaging plans, consumers have to pay every time they send or receive a message. We strongly urge the Commission to utilize the regulatory authority at its disposal to promulgate pro-consumer wireless spam regulations consistent with Section 14 of the CAN-SPAM Act.

We also believe that consumers should have access to simple and effective ways of reporting wireless spam and preventing future incidents. Not only should the FCC solicit and act promptly in response to complaints, but wireless users should also be able to request that they receive no future messages through a simple response of "no" or other similar phrasing or technological mechanism.

We thank you in advance for considering our comments and for acting in a prompt and positive fashion to implement the wireless provisions of the CAN-SPAM Act.

Sincerely,



RUSH HOLT
Member of Congress



EDWARD MARNEY
Member of Congress


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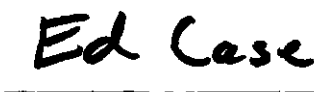
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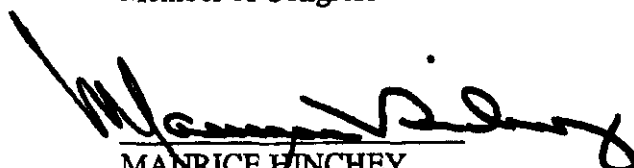
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BARBARA LEE
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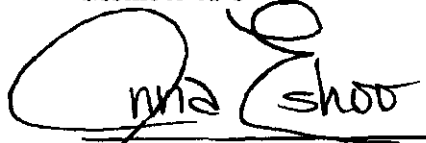

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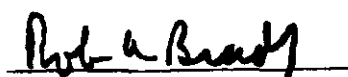

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MAURICE HINCHEY
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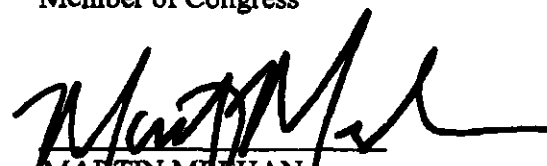

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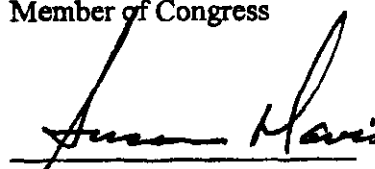

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